

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

U. S. Commodity Futures  
Trading Commission,

Civil 09-3332 MJD/FLN

Plaintiff,

v.

O R D E R

Trevor Cook et al.,

Defendants.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 10, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that Defendant Kiley's motion to dismiss the complaint [#547] is DENIED.

DATED: April 11, 2011.  
at Minneapolis, Minnesota

s/Michael J. Davis  
CHIEF JUDGE MICHAEL J. DAVIS  
United States District Court